

REMARKS

Applicant hereby elects the claims identified under Group I which allegedly includes the claims 1-14. This election is made with traverse relative to the alleged restriction of the claims of Group I from the claims of Group II and Group III. Applicant submits that should the claims of Group I be allowed, then the claims of Groups II and III should be examined insofar as the claims of Groups I, II and III are of sufficiently-related scope that a concurrent examination would be appropriate under the guidelines set forth in the Code of Federal Regulations and the MPEP.

Applicant respectfully traverses the restriction requirement presented in the instant Office Action because there is no serious burden upon the Examiner if restriction is not required as is evidenced by the four Office Actions on the merits that the Examiner has already issued for claims 1-17. *See, e.g.*, M.P.E.P. § 808.02 (“Where the * inventions as claimed are shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06, the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required.”). As the Examiner has already examined claims 1-17 together, including performing at least three separate prior art searches for claims 1-17, Applicant submits the Examiner’s apparent position that the continued examination of claims 1-17 together would be “a serious burden” on the Examiner is unreasonable. Moreover, the Examiner has already indicated that claims 8-12 and 17 are allowable over the prior art after issuing multiple actions on the merits. *See, e.g.*, page 8 of the Office Action dated October 28, 2008. Applicant submits that the Examiner’s position that claims 8-12 and 17, which have already been deemed allowable by the Examiner after performing multiple prior art searches, must now be restricted relative to each other is untenable. Accordingly, the restriction requirement presented in the instant Office Action is improper and claims 1-17 should continue to be examined together.

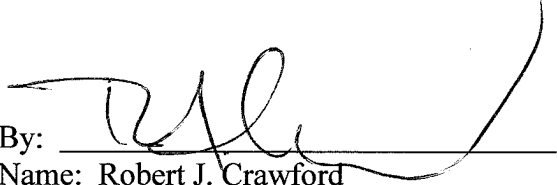
Applicant has also added new claims 18-20, which are elected with claims 1-14 of Group I. Applicant notes that support for claims 18-20 can be found throughout Applicant’s disclosure including, for example, in paragraphs 0027 and 0028 of Applicant’s specification.

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Accordingly, Applicants respectfully requests that the Examiner withdraw the present restriction requirement(s) for examination of all the claims.

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